

COUNTY OF YORK

MEMORANDUM

DATE: January 17, 2002 (BOS Mtg. 2/5/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application Nos. ZM-64-02, Hugh West and UP-591-02, Providence Classical School

ISSUE

Application Nos. ZM-64-02 and UP-591-02 are two related components of a proposal for re-use of a property located at 116 Palace Lane and further identified as Assessor's Parcel No. 9-11.

Application No. ZM-64-02 seeks to amend a previously proffered zoning condition applicable to an approximately 1.9-acre parcel zoned LB (Limited Business) conditional. The property owner seeks to remove the proffered zoning condition that limits the use of the property to a funeral home and has proffered additional conditions precluding certain uses of the property normally allowed under the LB classification.

Application No. UP-591-02, which is contingent on approval of the rezoning application, requests a special use permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (category 5, number 2(b)), to authorize the establishment of a private school within the existing structure located on the property.

DESCRIPTION

- Property Owner: Hugh A. West
- Location: 116 Palace Lane
- Area: Approximately 1.9 acres
- Frontage: Approximately 194 feet on Palace Lane
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: General Business
- Zoning Classification: LB – Limited Business (conditional)

- Existing Development: Vacant building (formerly Williamsburg Funeral Home)
- Surrounding Development:
 - North: Greensprings subdivision – single family residences
 - East: Single-family dwelling and Palace Plaza Shops
 - South: Church; Hampton Inn property and Pizzeria Uno beyond
 - West: Hampton Inn; Office building (northwest)

Proposed Development: Private school

CONSIDERATIONS/CONCLUSIONS

A. Rezoning Request

1. In 1987 the subject parcel was reclassified from a single-family residential zoning district to OPR (Office/Professional/Research - Conditional), which was deemed consistent with the area's Tourist Commercial Land Use Plan designation. The applicant proffered that the only use for the property would be a funeral home. In 1991, the property's Comprehensive Plan designation was changed to Office/Professional/Research. In 1995, the property was reclassified to LB (Limited Business – Conditional) through a comprehensive rezoning process, but this reclassification maintained the original proffer limiting the use of the property to a funeral home. The applicant, Mr. Hugh A. West, seeks to remove that condition and has proffered additional conditions to exclude certain uses of the property that would otherwise be allowed by the LB classification
2. The surrounding properties and zoning include the Greensprings subdivision zoned R-13 (High density single-family residential) to the north, a single-family dwelling and Palace Plaza Shops zoned GB (General Business) to the east, a church zoned GB to the south, and Hampton Inn hotel zoned GB to the west. In addition, an office building zoned LB (Limited Business) is immediately adjacent to the northwest. The Comprehensive Plan designates this area for General Business development and the Greensprings subdivision is designated High Density Single Family Residential.
3. The funeral home that formerly occupied the subject property has vacated the premises and terminated its lease. The property owner believes it is unlikely that the property will be successfully marketed to another funeral home establishment, which is the only allowable use under the current zoning. According to Section 24.1-332 of the York County Zoning Ordinance, the Limited Business district is "considered an appropriate transitional district between residential and more intense commercial districts." As noted above, the subject parcel is surrounded by General Business zoning to the east, west, and south and by high-density single-family residential zoning to the north. If this parcel was vacant and being developed for the first time, the Zoning Ordinance would require the installation of a

35-foot Transitional Buffer along the northern property line where it abuts the residentially-zoned lots in Greensprings. However, the existing development on the site pre-dates this requirement and the Transitional Buffer requirements will come into play only if the property is completely redeveloped.

4. The LB district allows a variety of retail, public, and community uses that typically generate low external impacts and can be designed to be compatible with the surrounding land use patterns and zoning. In light of the surrounding zoning and land use patterns, and its stated intent as a “transitional” zoning district, the LB-Limited Business classification appears suitable and appropriate for this property. However, in response to the Planning Commission’s discussion and the public hearing comments, and in an attempt to alleviate neighborhood concerns, the applicant has revised his original request to unconditionally reclassify the property and voluntarily has submitted a proffer statement excluding certain uses of the property (A copy of the proffer statement and a summary sheet indicating the permitted uses for the LB district and those that would be excluded by the proffer are attached). Clearly, approval of the applicant’s request would significantly expand the use opportunities for the property (considering only one use is currently allowed); however, the applicant’s proffer has excluded some of the uses that might be most offensive in terms of impacts on the adjacent residential area. Furthermore, it is unlikely that the current building and site configuration would be suitable for many of the remaining listed uses and redevelopment of the site to better accommodate some of those uses would necessitate full compliance with all current site development standards, including landscaping and transitional buffering.

B. Use Permit Request

1. Providence Classical School has applied for a special use permit, contingent upon the approval of the rezoning request, to authorize the establishment of a private school within the existing building located on the property. If the rezoning is not approved, the use permit request cannot be approved.
2. If the rezoning is approved, Providence Classical School proposes to establish a private school within the existing building on the subject parcel. Pursuant to Section 24.1-306 category 5, 2(b) of the York County Zoning Ordinance, *private schools* are permitted only upon the issuance of a special use permit in the LB (Limited Business) zoning district. The table shown below outlines where public and private schools are allowed and how they are permitted.

PUBLIC AND PRIVATE SCHOOL PERMITTING ALLOWANCES BY ZONING DISTRICT

Zoning District	<u>RC</u>	<u>RR</u>	<u>R20</u>	<u>R13</u>	<u>R7</u>	<u>RMF</u>	<u>NB</u>	<u>LB</u>	<u>GB</u>	<u>WCI</u>	<u>EO</u>	<u>IL</u>	<u>IG</u>
Public School	P	P	P	P	P	P	P	P	P	P	S	S	S
Private School	N/A	S	S	S	S	S	S	S	P	S	S	S	S

P = Permitted Use

S= Permitted by Special Use Permit

N/A= Not Allowed

3. Providence Classical School currently operates out of Williamsburg Christian Church located at 200 John Tyler Lane in the City of Williamsburg. It is in its first year of operation and serves grades Kindergarten through 5. The school has been granted a special use permit by the City of Williamsburg to operate at its current location through the end of this school year (Spring 2002). The school enjoyed a successful first year with a current total enrollment of 27 students. Because the school anticipates continued growth and expanded services, it is requesting authorization to serve grades Pre-Kindergarten through 12, with a maximum student population of 150 students. The projected enrollment for the 2002-03 school year is 50 to 60 students in grades Kindergarten through 6. The school intends to add a grade each year to accommodate its anticipated growth and to allow rising students to complete their education at the school.
4. Providence Classical School currently operates (at its Williamsburg location) between the hours of 8:00 am and 3:00 pm for instructional time. The school does not offer before or after-school care and does not have plans to do so in the near future. The school proposes to extend these instructional hours to 3:30 pm and requests authorization to hold evening assemblies and parent-teacher conference events after normal school instruction hours.

Parents are responsible for transporting students to and from Providence Classical School. The school does not provide bus transportation. The site is currently served by two entrances off of Palace Lane (Route 690). A parking lot connection at the back of the site to a privately-owned gravel driveway running along the southern edge of the property has been blocked by a chain. The existing parking lot, with 62 spaces, meets the parking requirements contained within the Zoning Ordinance and will provide adequate parking to serve the seven (7) to eight (8) classrooms that the school currently proposes. The school proposes to use the existing driveway and parking lot configuration with drop-off for the pre-school age children on the northern side of the building and for the grade school/upper grades at the front of the building. The school's proposed traffic flow and parking arrangements will be an element of the site plan review process should this use permit request be approved.

5. There was much discussion at the Planning Commission meeting about the status of the privately-owned gravel driveway along the southern boundary of the property. According to County property records, the 40-foot wide strip is owned by the same party that owns the adjacent office building to the west that fronts on Waller Mill Road. Currently, this gravel drive connects Palace Lane to the parking lot of the office building, making it possible to drive between Palace Lane and Waller Mill Road, and making traffic using it a safety concern to the operators of the proposed school (and the Planning Commission). However, according to the approved site plan for the office building, this driveway was not to be connected to the parking lot and through traffic was not to be permitted. Having discovered this discrepancy, the County's zoning compliance staff has notified the property owner of the need to correct the site plan violation and "disconnect" the gravel drive.

Once this is done, through traffic flow between Palace Lane and Waller Mill Road will not be possible.

6. Pursuant to Section 24.1-251 of the York County Zoning Ordinance, a traffic study is required in conjunction with a use permit application when the use generates 100 or more trip ends during a peak hour or 1,000 trip ends within a 24-hour period. Based on figures published in the ITE Trip Generation manual (6th Edition), staff has determined that the school's proposed maximum enrollment of 150 students would necessitate preparation of a traffic impact study (an enrollment of 111 students would generate 100 trips in a peak hour and trigger the traffic impact study requirement). Recognizing that the school's projected enrollment next year will be only about 60 students and that enrollment will gradually grow beyond that, staff and the applicant discussed alternatives to the immediate preparation of a traffic study and arrived at a solution that would limit enrollment to the 111-student cap until the required study is submitted and approved. This solution was reflected in the conditions proposed to the Planning Commission. Staff believes that a traffic analysis is an important consideration in allowing this (or any other) use on this property to grow beyond the 100-trip peak hour threshold because of the potential for traffic to travel through the adjacent Greensprings subdivision (Caran Road). For this reason, staff's proposed condition specified that the analysis, when prepared, should include an examination of the school-related traffic likely to impact the three major, nearby intersections: Bypass Road/Palace Lane, Bypass Road/Waller Mill Road, and Waller Mill Road/Mooretown Road.

Concerns about non-residential traffic using Caran Road (both now and if the school is approved), were expressed at the Planning Commission public hearing. One suggestion/request was that a STOP sign be placed at the intersection of Palace Lane and Caran Road, and staff has forwarded this request to VDOT for response and action. In addition, in response to neighborhood concerns about school-related traffic using Caran Road, the school has proposed to implement a policy requiring all student drop-off and pick-up trips to be made via Palace Lane. To enforce this policy, the school proposes an identification sticker system for parent's vehicles, which would allow Caran Road residents (or County enforcement staff) to observe and notify the school of the license plate number of any offending vehicles. Repeat violators would, pursuant to the proposed school policy, lose their privileges to attend Providence Classical School. Staff believes this proposed policy, although somewhat self-policing, is a viable way of addressing legitimate neighborhood concerns about traffic and, therefore, I am proposing an additional condition referencing the school's proposal and requiring its implementation and enforcement.

In addition, staff believes that school-related traffic on Caran Road can be discouraged by effective circulation controls at the entrance driveways. Determination of the most appropriate controls, which might include a prohibition of left turns onto Palace Lane from the driveways, or exclusive entrance and exit driveways, can best be dealt with in the site plan review process. Accordingly, I am proposing an

additional condition requiring development and approval of entrance/exit circulation control intended to minimize the potential for school-related traffic on Caran Road.

Finally, in consideration of these two new conditions, I believe it is appropriate to slightly adjust staff's original recommendation concerning the traffic study as it pertains to potential traffic on Caran Road. Specifically, I do not believe it is necessary to specify in the use permit condition the intersections to be analyzed. Instead, I recommend a condition that will allow that determination to be made (i.e., which intersections to be analyzed) in consideration of the effectiveness of the Caran Road "controls" and in accordance with the normally applicable requirements of the Zoning Ordinance.

7. The school proposal also includes a playground area for the elementary school students. Students will use the proposed playground for outdoor recreation during normal school hours. The school would like to locate the playground on the north side yard of the building (closest to the adjacent residential subdivision). Staff is concerned about this location because of the potential noise impacts associated with a playground being located so close to a residential area (a concern that was also expressed by one of the citizens speaking at the Planning Commission public hearing). Therefore, in its recommendation to the Planning Commission, staff proposed a condition that would require the playground to be located on the south side of the building. The school objected to this proposal, citing a concern about safety given the possible vehicular traffic on the gravel driveway adjacent to the southern property line. However, as noted above, the County's zoning enforcement staff is working to require site plan compliance that will eliminate any through traffic movements on that gravel drive, which should alleviate safety concerns and allow the playground to be located safely on the opposite side of the building from the residential area. It should be noted that the Planning Commission concurred with the school's desired location for the playground (north side of the building); however, the information concerning the site plan enforcement action was not available to the Commission.

In addition to the playground, the school proposes to use the rear yard northwest of the building for an open-field play area to include games such as soccer and kick-ball. Staff believes that the potential noise impacts of these activities will be minimal (because there will not be organized games every school day) and will not adversely impact the adjacent residential area.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered these applications at its regular meeting on January 9, 2002 and, subsequent to conducting a public hearing at which two citizens spoke in opposition to the applications, voted 4:3 to recommend approval of the rezoning application. Messrs. Simasek, Beil, and Heavner held the dissenting opinion stating concern over the loss of control of the property's use and the wide range of uses permitted in the Lim-

ited Business district. The Commission then voted 7:0 to recommend approval of the use permit application. As noted above, the Planning Commission agreed with the school that locating the playground on the north side of the building would be acceptable (accordingly, the condition referencing the playground location and fencing was deleted from the Commission's approving resolution).

COUNTY ADMINISTRATOR RECOMMENDATION

I am of the opinion that expansion of the use opportunities for the property by removal of the proffer limiting its use to a funeral home is appropriate. I believe that the applicant's proffer statement excluding certain uses of the property alleviates concerns noted by the Planning Commission and makes the rezoning request more acceptable. The proposed reclassification to LB is consistent with the Comprehensive Plan and the existing development patterns in the area. The conditional Limited Business zoning classification will provide a transition between the existing residential neighborhood and the more intense commercial development that is occurring in the surrounding area. The range of uses allowed under this proposed conditional LB classification is appropriate for the property and the surrounding area. Therefore, I recommend that the Board approve the rezoning application through the adoption of proposed Ordinance No. 02-2, subject to the conditions voluntarily proffered by the applicant.

With respect to the Special Use Permit application, I believe that Providence Classical School's proposal to establish a private school within the existing building located on the property represents an appropriate reuse of the property and provides a compatible transitional use between the adjacent residential and commercial development. The potential impacts of a school at this location have been evaluated by staff and the Planning Commission and I believe the conditions proposed are appropriate to mitigate those potential impacts. Noise impacts and safety concerns associated with the school playground warrant particular consideration and represent the only difference of opinion between the staff and the Planning Commission. As noted above, staff has recommended a location on the south side of the existing building and believes that area will be appropriate and safe, particularly since the adjacent gravel driveway will be required to be "disconnected" from Waller Mill Road. I also believe that the potential noise impacts on adjacent residences would best be mitigated if the playground were located on the south side of the building. Therefore, I recommend that the Board approve this application through the adoption of proposed Resolution No. R02-14. Should the Board wish to support the playground location preferred by the school and recommended by the Planning Commission, proposed Condition No. 4 should be deleted from the resolution.

Carter/3337

Attachments

- Planning Commission excerpts, January 9, 2002
- Zoning Map
- Plat
- Proffer Statement

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- LB Permitted Uses w/ proffer exclusions highlighted
- Proposed Ordinance No. 02-2
- Proposed Resolution No. R02-14